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Ans

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,996	06/15/1999	HIROSHI UENO	Q054651	3606

7590

07/27/2004

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 200373202

EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/27/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/332,996

Applicant(s)

UENO, HIROSHI

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Watanabe, U.S. Patent 6,331,982, hereinafter Watanabe.

3. Referring to claims 1 and 6, Watanabe teaches in figure 3 line response units (203) at the source side (exchange) and the destination side (concentrator). The source side contains a control cell adding unit that generates a connection control cell including connection information (cell generator configured to integrate into cell data setting information). The source transmits the control cell to the route from the line at the source side to the ATM switch, toward the line response unit at the destination side (send the cell data to the concentrator). A control cell extracting unit in the line response unit at the destination side extracts only the connection control cell and transfers the connection information included in the extracted connection control cell to the microprocessor in the line response unit at the destination side (a control cell terminator configured to extract the setting information) (column 9, lines 20-42). Watanabe also teaches that the microprocessor in the line response unit at the source side transfers the

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connection information, which must be stored in the line response unit at the destination side (rewriting setting information in the concentrator) (column 11, lines 6-9).

4. Referring to claims 2 and 7, Watanabe teaches the network described in reference to claims 1 and 6 above and it is clearly shown in figure 3 that the source and destination are connected via an ATM switch (202).

5. Referring to claims 3 and 8, Watanabe teaches the network described in reference to claims 1 and 6 above and has also clearly taught that the microprocessor in the line response unit at the source side transfers the connection information, which must be stored in the line response unit at the destination side and that the connection information includes at least an input VPI, input VCI, output VPI and output VCI (column 11, lines 6-10). The microprocessor uses this information to filter the traffic and output the data to the appropriate subscriber responding to a VPI. Watanabe goes on to teach that the control data is passed to a VCC table (a cell filter table for to store the setting information) (column 11, lines 16-17).

6. Referring to claims 4 and 9, Watanabe teaches the network described in reference to claims 1 and 6 above and also teaches that the microprocessor which receives the connection information and the instruction for establishing a connection instructs the accounting units 206 and 207 (cell monitor) to start an accounting process, if the accounting instruction existence/nonexistence identification information indicates an accounting start (monitoring parameter table configured for storing information extracted from the cell data) (column 10, lines 45-52).

7. Referring to claims 5 and 10, Watanabe teaches the network described in reference to claims 4 and 9 above where it would be inherent to the cell generating unit in the source and

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destination shown in figure 3 to include the setting information for the tables described in reference to claims 3, 4, 8 and 9 above. If the information were not included, it would not be possible to extract the data as was clearly taught by Watanabe.

Response to Arguments

8. Applicant's arguments filed 7 May 2004 have been fully considered but they are not persuasive.

9. Applicant makes general comments on page 2 of the response under 37 CFR 1.111 that while claims 1, 2, 6 and 7 have been indicated as being rejected as anticipated by Watanabe, there is no indication as to the grounds under which claims 4, 5, 8-10 are rejected. In response, although paragraph 4 of the Office Action mailed 7 January 2004 only refers to claims 1, 2, 6 and 7 as being rejected under Watanabe, a thorough reading of the complete Office Action would quickly make evident in paragraphs 7-9 that claims 4, 5, 8-10 are also rejected under Watanabe. It is unclear how the simple omission in paragraph 4 caused such confusion.

10. Applicant argues on page 2 of the response that the destination side of Watanabe cannot be considered to be a concentrator. Applicant then provides additional details that do not appear in the claim language. Applicant argues that using a concentrator, the traffic is concentrated through multiplexing and that in ATM, a concentrator concentrates traffic from down stream switches in a LAN environment in order to share a high-capacity WAN. However, the claim language does not include any limitations related to multiplexing, ATM, LANs or WANs. Applicant is reminded that although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. Applicant argues on page 3 that the source side of Watanabe cannot be considered an exchange. Applicant then provides additional details that do not appear in the claim language. Applicant argues that an exchange is a back end system that communicates with several concentrators on one side and with a backbone network on the other side. These limitations do not appear in the claims.

12. Watanabe teaches all of the limitations, as written, in the claims. Watanabe clearly teaches a source and destination that are equivalent to the exchange and concentrator shown in the claims.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
20 July 2004



CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 7/23/04